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Via ECF

Magistrate Judge Mark Falk
Martin Luther King Jr. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Kelly v. Gerber Products Company*
No. 2:21-cv-12504-CCC-MF

Your Honor:

We represent defendant Gerber Products Company (“Gerber”) in the above-referenced action. Pursuant to the Consolidation Order entered by Your Honor on May 21, 2021 (*In Re: Gerber Products Company Baby Food Litigation*, Master File No. 2:21-cv-01977-CCC-MF, Dkt. No. 40) (attached hereto as Exhibit A) “any other class action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated pursuant to Fed. R. Civ. P. 42(a) (hereafter the “Consolidated Action).”

On June 10, 2021, the U.S. District Court for the Southern District of Florida transferred *Kelly v. Gerber Products Company*, No. 2:21-cv-12504 (D.N.J.), to the District of New Jersey “to be consolidated with Case No. 2:21-cv-01977-CCC-MF.” (Dkt. No. 17). The *Kelly* Action was assigned to Your Honor and Judge Cecchi on June 14, 2021 and arises out of the same operative facts as the Consolidated Action.

We write to respectfully request Your Honor consolidate the *Kelly* Action with the Consolidated Action, and order that the deadlines applicable to the consolidated “Related Actions” apply to the *Kelly* Action in accordance with the Consolidation Order (including that “Gerber need not file a response to the [*Kelly*] complaint [] and instead shall answer, move or otherwise respond to any Consolidated Complaint no later than sixty (60) days following service of a Consolidated Complaint”). (See Ex. A, ¶ 5.)

Respectfully submitted,

/s/ Geoffrey W. Castello
Geoffrey W. Castello

cc: All counsel of record (via email)